

UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY

R E C E I V E D

MAR 27 2015

AT 8:30 \_\_\_\_\_ M  
WILLIAM T. WALSH  
CLERK

Elias Mallouk Realty Corp.,

Plaintiff,

v.

Peter Ingris, et al.,

Defendants.

Civil Action No. 15-2138 (MAS) (LHG)

**MEMORANDUM ORDER ON  
APPLICATION TO PROCEED  
WITHOUT PREPAYMENT OF FEES**

This matter comes before the Court on the application of Defendant Peter Ingris to proceed without prepayment of fees under 28 U.S.C. § 1915. (ECF No. 1-11.) The Court will grant the application on the strength of Defendant's allegation of indigence but Defendant's removal of this action was improper and the Court will *sua sponte* remand this action back to state court.

On March 18, 2015, Defendant filed a Notice of Removal seeking to remove a New Jersey state court action, docket number SOM-L-1542-14, (the "State Court Action") and an "administrative proceeding, *In re Ciccone v. Ingris*." (ECF No. 1.) This Court previously remanded the State Court Action for lack of subject matter jurisdiction (ECF Nos. 8, 9, 14-4305), and denied Defendant's later motion to amend the remand order on jurisdictional grounds (ECF No. 13, 14-4305). Defendant now asserts that removal is proper, pursuant to 28 U.S.C. §§ 1443 and 1446, based on a recent Warrant for Eviction entered in the State Court Action. "[R]emoval statutes are to be strictly construed against removal and all doubts should be resolved in favor of remand." *A.S. ex rel. Miller v. SmithKline Beecham Corp.*, 769 F.3d 204, 208 (3d Cir. 2014) (internal quotations omitted). Defendant attempts, again, to relate the State Court Action, a landlord tenant dispute, to an unrelated discrimination case, *Ingris v. Drexler, et. al.*, 14-

2404 (ES) (MAH).<sup>1</sup> As the Court already stated, the allegations in the State Court Action, related to a subsequent tenancy in Hillsborough, are unrelated to the race-based conspiracy Defendant alleges in his discrimination suit. This analysis does not change based solely on the state court entering a Warrant of Eviction.

**IT IS** on this 27th day of March, 2015, **ORDERED** that:

1. Plaintiff's application to proceed *in forma pauperis* is hereby granted pursuant to 28 U.S.C. § 1915;
2. The Clerk of the Court shall file the Notice of Removal without prepayment of fees or security;
3. This action is remanded to the Superior Court of New Jersey; and
4. The Clerk of the Court shall mark this matter CLOSED.

s/ Michael A. Shipp  
**MICHAEL A. SHIPP**  
**UNITED STATES DISTRICT JUDGE**

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<sup>1</sup> An analysis of this unrelated action, and overview of multiple other actions in the District of New Jersey in which Defendant is a party, can be found in this Court's prior Opinion. (ECF No. 8, 14-4305.)